`IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL
Writ Petition No. 807 of 2005 (S/S)

Subhash Chandra Verma
S/o Late Prakash Verma
Presently posted as Supply Inspector
District Supply Officer Bageshwar
District- Bageshwar … Petitioner

Versus

1. State of Uttaranchal
   Through Secretary, Ministry of Food and Civil Supplies
   Uttaranchal Sahasn, Dehradun

2. Commissioner Food and Civil Supplies
   Uttaranchal Sahasn, Dehradun

3. District Supply Officer
   District- Bageshwar …Respondent

Sri B.M. Pingal, learned counsel for the petitioners.
Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this writ Petition, a relief has been sought for issuing the direction in the nature of certiorari quashing the order dated 16.12.2002 transferring the petitioner from District Haridwar to District Bageshwar on the post of Supply Inspector. The petitioner has also sought for relief in the nature of mandamus directing the respondents to reconsider the matter pertaining to transfer in the light of G.O. No. 19.1.1.1976-Karmik-dated 15.01.1976.

Brief facts giving rise to this writ petition are that the petitioner was appointed as a Clerk in the office of District Supply Officer, Saharanpur on 27.01.1975. In the year 2002, the petitioner was promoted to the post of Supply Inspector. The petitioner is presently posted as Supply Inspector at Bageshwar in pursuance of the order dated 16.12.2002 issued by the respondent no. 2. The petitioner joined the place of posting on 16.01.2003 at Bageshwar. Thereafter the petitioner

preferred the representation before the concerned authorities but the same is of no avail.

It has been averred that several others Supply Inspectors whose name found place in the transfer list alongwith him, made their representation and the representations were decided in their favour.

The petitioner has also averred that Shri J.P. Chauhan has preferred a writ petition before this court challenging the transfer policy on the ground of the illness of his wife and in pursuance of the Hon'ble Court's order Shri J.P. Chauhan preferred the representation to the authorities concerned and his representation was allowed and transfer order was cancelled. The order pertaining to Shri J.P. Chauhan canceling his transfer order has been annexed as annexure 9 to this writ petition. It has also been averred that the 5 similarly situated Supply Inspectors have become successful in getting their transfer order cancelled. But the grievance of the petitioner is not being heard by the authorities concerned. Hence this writ petition.

Heard learned counsel for the petitioner, learned Standing Counsel and perused the record.

The petitioner has filed copy of the G.O. No. 19./1.1.1976-Karmik-1 dated 15.01.1976 to this writ petition which reads as follows:-

"i"kd]

Jh i Foh ukFk prqosnh]
vk;qDr ,oa lfpo]
mRrj izn'k 'kklukA

lsok esa]

1- leLr foHkkx/;{k] mRrj izn'k
2- leLr dk;kZy;k/;{k] mRrj izn'k

y[kuÅ fnukd 5 tuojh 1976

egkn;]

e>s ;g dgus dk funs'k gqvk gS fd jkT;iky egkn; ;g vkns'k nsrs gS fd ;fn ifr ,o iRuh nkuksa ljdkjh lsok esa depkjh@vf/kdkjh gksa rks mudh fu;qfDr djrs le; nkuksa dk ,d gh LFkku ij j[kus dk ;Fkk lEHko iz;Ru fd;k tk;A

Hkonh;]
Jh iFoh ukFk prqosnh]
vk;qDr ,oa lfpo]

lq[;k 19@1-1-1976&¼1½&dkfeid &1

ifrfyfi lfpoky; dh leLr vuqekxksa dk lpukFk ,oa vko';d dk;kgh gsrq izf"krA

vkKk ls
Jh iFoh ukFk prqosnh]
vk;qDr ,oa lfpo]

The petitioner has also submitted in the light of the aforesaid G.O. that he and his wife both are Government employees hence they are entitle for the benefit of the said G.O.

As the petitioner has also stated that the case of the J.P. Chauhan, Supply Inspector has been considered by the respondent no. 2 and his transfer order was also cancelled, likewise the case of other similarly situated Supply Inspector have also been considered by the respondent no. 2 sympathetically and their transfer order has been cancelled. In case, if the petitioner stands on the similar footing to those of the Supply Inspectors whose cases have been decided in their favour by the respondent no. 2 and the G.O. which has been quoted by the petitioner in this writ petition, if applies in case of the petitioner then, I think that the respondent no. 2 should decide the representation of the petitioner by taking a sympathetic view.

The writ petition is finally disposed of with a direction that the respondent no. 2 shall decide the representation of the petitioner in a sympathetic and positive manner.

The petitioner shall file the representation before the respondent no. 2 within 15 days alongwith certified copy of the order passed by this court who shall decide the representation of the petitioner within 30 days by passing speaking and reasoned order.

(B.C. Kandpal, J.)

23rd June, 2005
Shiv